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Attorneys for Plaintiff GABBI LEMOS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABBI LEMOS,

Plaintiff,

v.

COUNTY OF SONOMA, STEVE FREITAS,
MARCUS HOLTON, and DOES 1-25,
inclusive.

Defendants.

Case No. CV-15-05188 YGR

**JOINT UPDATE AND REQUEST FOR
FURTHER STAY OF CIVIL
PROCEEDINGS PENDING RESOLUTION
OF PENDING CRIMINAL PROCEEDINGS**

Compliance Hearing Date: July 22, 2016
Time: 9:00 a.m.
Courtroom 1, 4th Floor
Judge: Hon. Yvonne Gonzalez-Rogers

The Parties jointly submit this update as ordered by the Court in its Order at Dkt. No. 30 filed on April 18, 2016 in advance of the compliance hearing set on July 22, 2016.

On April 15, 2016 the parties filed a stipulation requesting this matter be stayed pending the outcome of plaintiff's criminal prosecution because her criminal case arose out of her conduct

1 during the same incident that gave rise to this civil case. The court stayed this case on April 18,
2 2016.

3 Plaintiff's criminal proceeding, after being continued, now is currently set for trial on
4 August 18, 2016.

5 The Parties therefore request that the stay in this matter be extended during the pendency
6 of plaintiff's pending criminal proceedings because of potential issues related to *Heck v.*
7 *Humphrey*, 512 U.S. 477 (1994) and because plaintiff will not waive her right to assert in this
8 civil lawsuit her 5th amendment rights against self-incrimination.

9 Dated: July 13, 2016

Respectfully submitted,

10 **SCOTT LAW FIRM**

11
12 By: /s/John Houston Scott

13 John Houston Scott

14 Attorneys for Plaintiff GABBI LEMOS

15 **LAW OFFICES OF IZAAK D. SCHWAIGER**

16
17 Dated: July 13, 2016

18 By: /s/Izaak D. Schwaiger

19 Izaak D. Schwaiger

20 Attorneys for Plaintiff GABBI LEMOS

21
22 Dated: July 13, 2016

23 **BERTRAND, FOX, ELLIOT, OSMAN**
24 **& WENZEL**

25 By: /s/Richard W. Osman

26 Richard W. Osman

27 Attorneys for Defendants COUNTY OF
28 SONOMA, STEVE FREITAS, and MARCUS
HOLTON

ORDER

WHEREFORE, pursuant to stipulation of the parties, it is hereby ordered that this matter is stayed pending the outcome of the plaintiff's pending criminal proceedings.

Date: _____

The Honorable Yvonne Gonzales Rogers
Judge for the United States District Court
Northern District of California

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